

REMARKS

In response to the Notice of Non-Compliant Amendment mailed February 9, 2007, Applicant has removed the underline from new claim 12. In addition and for the Examiner's convenience, Applicant has re-submitted the Response filed on January 25, 2007 with this Response.

Objections to the Drawings under 37 CFR 1.83(a)

The Examiner has objected to the Drawing for not showing every feature of the disclosure specified in the claims. Specifically, the carrying racks, work piece, hot and cold transports, separate loading systems for the transport chamber and transport device, and loading table were not shown in the previously submitted Figure 1.

To overcome this rejection, Applicant respectfully submits the Replacement Sheet 1, which includes an amended Figure 1. The amended Figure 1 now indicates a carrying rack for the transport chamber at 12, a carrying rack for the transport device at 13, a work piece 11, a loading system for the transport device 15, a loading system for the transport chamber 16, and a loading table 14. Applicant has also amended claim 1 to recite a "transport chamber configured for hot element transportation and a transport device configured for cold element transportation," as opposed to "hot and cold transports."

Applicant respectfully submits that these amendments overcome the objections.

Objections to the Specification

The Examiner has objected to Applicants paragraph 0021 for reciting "rolls" instead of "roller." In response, Applicant has amended paragraph 0021 to recite "roller" instead of "rolls." Applicant respectfully submits that this amendment overcomes the objection.

Claim Rejections Under 35 U.S.C. §112, second paragraph

Claims 9-11 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite for claiming a "system" and "facility" when they depend from a device claim. In response, Applicant amends claims 9-11 to claim a device.

Claim 11 is further rejected under 35 U.S.C. §112, second paragraph as being indefinite for reciting the limitation "both sides thereof." In response Applicant amends

claim 11 to recite that, “the transport device is loadable and unloadable at at least two sides thereof.”

Applicant respectfully submits that these amendments overcome the 112 rejections.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1-3 and 6-10 have been rejected 35 U.S.C. §102(b) as being anticipated by United States Patent No. 3,014,708 to Helin (“Helin” hereinafter). Applicant respectfully traverses.

Applicant’s amended claim 1 recites “a first mobile carriage for the transport chamber and a second mobile carriage for the transport device” (i.e. separate carriages for the containers). Helin does not teach separate carriages. Instead, referring to column 2, lines 41-42, Helin teaches the containers 3 and 4 to be “mounted on a platform 5.” As such, Helin teaches a single carriage, not separate carriages, as recited in Applicant’s amended claim 1.

In addition, Applicant’s amended claim 1 recites “a transport device configured for cold element transportation.” Helin does not teach a transport device configured for cold transport only. Instead, Helin teaches two containers 3 and 4 that are both configured for hot, vacuum tight transport (see column 3), and thus, not cold transport only.

Accordingly, for at least the reasons set forth above, Applicant respectfully submits that Helin does not teach every element of Applicants amended claim 1. As such, applicant respectfully submits that claim 1, and claims 3 and 6-12 that depend therefrom, are not anticipated by Helin.

Claim Rejections Under 35 U.S.C. §103(a)

Claims 4 and 5 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Helin in view of United States Patent Number 6,676,355 to Peyton (“Peyton” hereinafter). Applicant respectfully traverses.

Referring to MPEP 2143.03, Applicants respectfully point out that in order to establish *prima facie* obviousness of a claimed invention, “all the claim limitations must be taught or suggested by the prior art; that the prior art relied upon, coupled with knowledge

generally available in the art at the time of the invention, contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. ”

Applicant notes that the subject matter of previous claims 4 and 5 has been amended into Applicant’s currently amended claim 1. Regardless, Applicant respectfully submits that Peyton does not remedy the deficiencies of Helin as discussed in the 102 remarks with reference to claim 1. Most notably, Peyton does not teach separate carriages for transportation. As such, neither Helin nor Peyton teach the element of separate transport. Accordingly, Applicant respectfully submits that the combination of Helin and Peyton does not teach all of the elements of Applicant’s amended claim 1 (which now includes the subject matter of previously presented claims 4 and 5).

Furthermore, Peyton teaches an apparatus used in combination with a drop furnace cage. Peyton does not implicitly or explicitly suggest modification to, or combination with, the vacuum tight transport or common drive of Helin. Therefore, Applicant respectfully submits that Helin and Peyton should not be combined or modified to teach Applicant’s claims.

Thus, for at least the reasons set forth above, Applicant’s claim 1 is not obvious over the combination of Helin and Peyton.

Claim 11 has also been rejected under 35 U.S.C. §103(a) as being unpatentable over Helin in view of United States Patent Number 6,749,800 to Muller-Ziller (“Muller-Ziller” hereinafter). Applicant respectfully traverses.

Muller-Ziller does not remedy the deficiencies of Helin discussed in the 102 remarks, as they relate to Applicant’s amended claim 1. As such, since Applicant’s amended claim 11 depends from Applicant’s amended claim 1, Applicant respectfully submits that the combination of Helin and Muller-Ziller does not teach every element of Applicant’s claim 11.

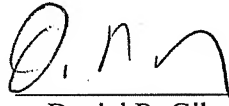
Accordingly, for at least the reasons set forth above, Applicant respectfully submits that Applicant's claim 11 is not obvious over the combination of Helin and Muller-Ziller.

Applicants respectfully submit that the application is now in condition for allowance; withdrawal of all rejections and prompt issuance of a Notice of Allowance is respectfully requested.

The Examiner is invited to contact Applicants' attorney at the below-listed phone number regarding this Response or otherwise concerning the present application. Applicants hereby petition for any extension of time necessary for entry and consideration of this Response. If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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